

REMARKS

This paper is filed responsive to the Office Action mailed June 5, 2009. Claims 50-88 are pending in the application. Claims 1-49, 67, 74, 75, 84 and 85 are canceled. Claims 50-69, 81 and 86-88 are amended. No new matter is added.

Applicants note that the Examiner has indicated that claims 75, 80 and 85 would be allowable if rewritten to include the limitations of the base claim and any intervening claims. Applicants have amended: claim 69 to include the limitations from claims 74 and 75; claim 81 to include the limitations of claims 84 and 85; and claim 80 to include claim limitations from claims 69 and 76. Applicants submit that the resulting independent claims 69, 80 and 81 are allowable over the cited references, and request that the Examiner indicate as such.

Claim 67 stands rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to point out what constitutes a “sharper profile” with reference to the cross section of the threaded portion. Applicants cancelled claim 67, without prejudice, thereby mooted the rejection.

Claims 50-67, 86 and 87 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 6,499,488 (Hunter). Applicants traverse the rejection. Claims 50-68 have been amended to depend from claim 69. Claims 86-88 have been amended to depend from claim 81. As a result, claims 50-67, 86 and 87 depend from claims which have been indicated as being allowable, and Applicants submit that such claims are now also allowable.

Claims 69-73, 76-79 and 81-84 rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Pub. No. 2004/0030236 (Mazzocchi). Applicants traverse the rejection. As described above, claim 69 has been amended to include the limitations of claims 74 and 75. Claims 70-73 and claims 76-79 depend from claim 69, and, as such, Applicants submit should be allowable. Claim 81 has been amended to add the limitations of claims 84 and 85. Claims 82-83 depend from claim 81, and, as such, Applicants submit should be allowable.

Claim 68 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,499,488 (Hunter). Claim 74 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pub. No. 2004/0030236 (Mazzocchi) in view of U.S. Patent No. 6,499,488 (Hunter). Claim 88 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,499,488 (Hunter) in view of U.S. Pub. No. 2003/0023161 (Govari). Applicants traverse the rejections, and submit that claims 68, 74 and 88 are patentable at least because each ultimately depends from an independent claim—claims 69 and 86, respectively—that are patentable for reasons discussed above. Applicant requests that the Examiner withdraw the rejection.

Please charge any fee associated with the prosecution of this application to Deposit Account No. 10-0750.

Applicants submit that the application is presently in condition for allowance and request favorable reconsideration and early notice of allowance. If it would speed prosecution, the Examiner is encouraged to contact the undersigned attorney by telephone.

Respectfully submitted,

/Brian S. Tomko/
By: _____
Brian S. Tomko
Reg. No. 41349

Johnson & Johnson
One Johnson & Johnson Plaza
New Brunswick, NJ 08933-7003
(732) 524-1239
Dated: October 5, 2009